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# INTELLIGENCE SUPPORT TO THE UNITED NATIONS OPEN SESSION

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Intelligence Support to the United...

## HEARING

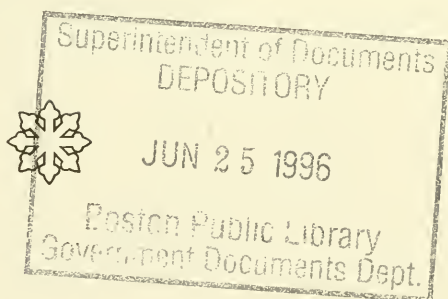
BEFORE THE

### PERMANENT SELECT COMMITTEE ON INTELLIGENCE HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS  
FIRST SESSION

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THURSDAY, JANUARY 19, 1995



U.S. GOVERNMENT PRINTING OFFICE

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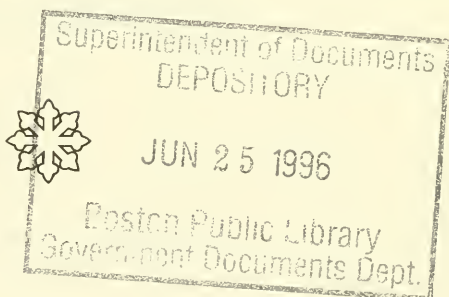
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(III)



# INTELLIGENCE SUPPORT TO THE UNITED NATIONS OPEN SESSION

THURSDAY, JANUARY 19, 1995

HOUSE OF REPRESENTATIVES,  
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,  
*Washington, DC.*

The committee met, pursuant to call, at 2 p.m., in room H-405, the Capitol, the Honorable Larry Combest (chairman of the committee) presiding.

Present: Representatives Combest, Dornan, Young, Hansen, Lewis, Goss, Shuster, Castle, Dicks, Coleman, and Laughlin.

Staff Present: Mark M. Lowenthal, Staff Director; Stephen D. Nelson, Assistant Staff Director; Louis Dupart, Chief Counsel; Michael W. Sheehy, Democratic Counsel; Virginia S. Callis, Auditor; Catherine D. Eberwein, Professional Staff Member; L. Christine Healey, Senior Counsel; Calvin R. Humphrey, Counsel; Kenneth M. Kodama, Senior Professional Staff Member; Mary Jane Maguire, Chief of Registry; Jeanne M. McNally, Executive Assistant/Chief Clerk; John I. Millis, Professional Staff Member; Caryn A. Wagner, Professional Staff; Gardner Peckham, Speaker's Designee and Brett O'Brien, Minority Leader's Designee Office.

The CHAIRMAN. The hearing will come to order.

I would like to first introduce our witnesses and indicate to those who may not be aware, we will have a portion of this hearing in an open session and at a point deemed necessary, we will close, to be able to further question the witnesses and have comments from them. It is my understanding that Secretary Gati will have an unclassified opening statement. We welcome you, Secretary Gati; Ambassador K.F. Inderfurth, of the United States Mission to the United Nations; Ambassador Hugh Montgomery, Special Assistant to the Director of Central Intelligence for Foreign Intelligence Relationships, Major General Patrick M. Hughes, United States Army, Director of Intelligence, J-2, Joint Chiefs of Staff. Thank you for appearing before this committee this afternoon.

This hearing is being held today to consider Title V of the National Security Revitalization Act. As you know, the Revitalization Act was proposed as part of the Contract With America. Title V of the legislation addresses a number of the concerns regarding the United States' involvement in the United Nations' peacekeeping operations.

We are not here this afternoon to consider the broader questions of whether or not or to what degree it is in the U.S. interest to become involved in peacekeeping activities. We should also leave for another fora the debate over placing U.S. military personnel under

foreign operational control or command. Today, the committee needs to focus, first in open session and later, in closed session, on those portions of Title V that may directly affect U.S. intelligence support to the United Nations and the use of intelligence in pursuit of U.S. policy goals and objectives regarding peacekeeping and our relationship with the U.N.

Sections 502 and 504 of Title V would require notice to Congress of proposed U.S. involvement in peacekeeping activities. As U.S. assistance to United Nations peacekeeping activities would be newly defined to include intelligence support, the committee should consider being added to the list of designated committees to receive from the President notice of anticipated involvement in these operations.

Our main focus today, however, is on Section 512. This section would establish conditions on the provision of U.S. intelligence to the United Nations. More specifically, Section 512 stipulates that the President of the United States and the United Nations Secretary General must come to a formal, written agreement before any U.S. intelligence information may be provided to the United Nations.

This agreement must delineate: what types of intelligence are to be provided to the U.S.; the circumstances under which intelligence may be provided; and the physical and personnel security procedures to be observed by the U.N.

Section 512 also requires advance notice to Congress of not less than 30 days of the entry into force of the agreement. I think the committee should begin its consideration of these issues by first coming to an understanding of the U.N.'s needs for intelligence and how intelligence sharing might take place.

U.S. involvement of the U.N. peacekeeping and related activities has increased markedly in recent years and not without significant controversy. The nature of these missions has also changed, with many more now facing ongoing hostilities between opposing sides rather than truces or armistices, as well as deep-seated, seemingly intractable ethnic disputes. The increased danger to the U.S. peacekeepers operating in these situations has led some within the U.N. to call for the more efficient use of tactical information or intelligence to better protect peacekeepers.

Our first witness today will be Ms. Toby Gati, Assistant Secretary of State for Intelligence and Research. Ms. Gati, I am interested in your views on the U.N.'s historic attitude towards intelligence and whether you believe U.N. needs and attitudes towards intelligence are changing. It would also be helpful if you would outline for the committee the importance of our intelligence sharing relationships with the U.N. in terms of support to U.N. and U.S. policymaker goals. The committee would also like to hear your viewpoint on the effect Section 512 might have on these intelligence sharing arrangements and the overall pursuit of U.S. diplomatic goals and objectives.

After you have completed your statement, Ms. Gati, we will hold a brief question and answer session. At some point, when appropriate, the committee will determine that it should move into a closed session to consider further the issues Title V of the National Security Revitalization Act brings before us today.



Finally, this is committee's first substantive hearing in the 104th Congress. I would like to thank two principal staff members responsible for today's hearings: Catherine Eberwein and Calvin Humphrey, for establishing a model of bipartisanship that we expect to typify all of our work on these important issues.

I would also like, before I recognize Mr. Dicks for an opening statement, to note the fact that this will be Jeanne McNally's final hearing serving as clerk. Jeanne is going to the Veterans Affairs Committee as Legislative Director with Mr. Stump, and Jeanne, we will all miss you, and we are all glad that you will still be on the Hill.

Ms. McNALLY. Thank you.

The CHAIRMAN. At this time I would recognize Mr. Dicks for an opening statement.

Mr. DICKS. I would like to join Chairman Combest in welcoming our witnesses to discuss the important issue of intelligence support to the United States. I would also like to commend the Chairman for conducting as much of this hearing as possible in open session. I believe it is essential to continue previous committee efforts to make more of the activities of the intelligence community understandable to the American people, when that can be done in ways which do not threaten national security.

This year, the United Nations celebrates its 50th anniversary. From its inception through 1988, the United Nations undertook 13 peacekeeping operations. The end of the Cold War, however, has given way to territorial disputes, armed ethnic conflicts, civil wars, and the total collapse of governmental authority as witnessed in Somalia. Since 1988, the United Nations has undertaken 21 new peacekeeping operations. The increased role of the United Nations in peacekeeping activities led former President Bush to promise in a 1992 speech before the United Nations that "we will work with the United Nations to best employ our considerable lift, logistics, communications and intelligence capabilities to support peacekeeping operations." In his first speech to the U.N. in 1993, President Clinton called for the "creation of a genuine U.N. peacekeeping headquarters with a planning staff, with access to timely intelligence \* \* \*."

We presently have in place an effective system of providing intelligence to the United Nations which is in keeping with the commitments of Presidents Bush and Clinton. This system allows the United States to provide information on a case-by-case basis when we believe it in our interest to do so. Some requests for intelligence can be granted, some can be denied. We are not bound to provide anything except when we choose to do so.

Section 512, the National Security Revitalization Act, would radically alter these procedures by prohibiting the sharing of intelligence with the United Nations except pursuant to a written agreement entered into between the President and the Secretary General. Such an agreement would have to specify the types of intelligence to be shared; the circumstances under which intelligence may be provided; the procedures to be observed by the United Nations concerning the protection of sources and methods; and the individuals who would have access to the intelligence.

I have spoken with administration officials concerning the impact Section 512 would have on intelligence sharing. I share the conclusion of leaders in our intelligence community that by removing the element of flexibility which now exists, enactment of this provision would not improve current procedures and would not promote the security interests of the United States.

The current method of providing intelligence to the United Nations has as its fundamental principle the protection of sources and methods. Prior to any intelligence being shared, it is subjected to a rigorous review and sanitation process to ensure that no sensitive information which might compromise sources and methods is provided. Information is reviewed for this purpose by the DCI, the agency producing the intelligence, the executive agent for the operation, normally the Department of Defense, and finally by the United States Mission to the U.N. This is not a process through which the State Department can provide sensitive information to the U.N. over the objections of the intelligence community. Any disputes over whether particular information should be shared are resolved by the President's National Security Advisor. I am not aware of any concern by the intelligence community that the current system does not work well.

I am also concerned that Section 512 would unconstitutionally intrude upon the President's authority to conduct foreign relations. If an emergency situation arose and the United States possessed intelligence which would facilitate a response by the United Nations, Section 512 would prevent the President from authorizing the conduct of an executive branch function, the provision of intelligence, for a minimum of 30 days unless a sharing agreement was already in effect. In an era when a timely response can mean the difference between controlling a crisis and having it escalate, such a restraint not only raises constitutional problems but is contrary to the national security interests of the United States.

I believe that the axiom, if it is not broken, don't fix it, applies in this case. The present system of sharing intelligence with the United Nations offers the President the flexibility needed to conduct diplomatic relations while providing for the security and protection of sources and methods. Section 512 neither tightens security for our intelligence nor promotes our national security interests. I oppose Section 512 on those grounds, but am committed to working with the Chairman to resolve any legitimate concerns surrounding the provision of U.S. intelligence to the United Nations in ways we can all support.

Mr. Chairman, I hope that we can work out some way to do this that will be in our overall security interest.

Thank you.

The CHAIRMAN. I thank the gentleman and I just want to say that I share many of his concerns and am glad that we on this committee had the opportunity to deal with portions of this section so that we can have our input.

Mr. DICKS. I, too, want to congratulate, Jeanne. I am glad that she found a job. We were all worried about her, but we knew she would do it and do it well, and she did, and the Veterans Committee is very important, so you do a very good job over there. But she

has done a great service to this committee for 17 years and was here from the inception and we are very proud of her.

Ms. McNALLY. Thank you.

The CHAIRMAN. I would ask unanimous consent to put into the open section of the record a letter from Acting Director of Central Intelligence William Studeman. The letter outlines some of ADCI's concerns about Section 512 of H.R. 7. I would like to make certain that our guests receive copies of this letter as well so that they can see these concerns.

[The letter follows:]

## The Director of Central Intelligence

Washington D.C. 20505

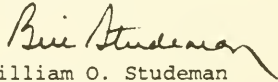
19 January 1995

The Honorable Larry Combest  
Chairman  
Permanent Select Committee  
on Intelligence  
House of Representatives  
Washington, D.C. 20515

Dear Mr. ~~Chairman~~ *Harry*

The purpose of this letter is to express our serious concern for the proposed Section 512 of H.R. 7. Today we enjoy a relationship with the United Nations and United Nations activities which provides us the maximum flexibility and response time with minimal security implications, while at the same time preserving the security of our information. Section 512 of the National Security Revitalization Act would undermine constructive and innovative steps that we have taken in recent years to improve the timeliness and value of intelligence support to the UN and its related activities. The proposed legislation would make it extremely difficult, if not impossible, to provide meaningful intelligence support to those UN activities which are supportive of U.S. foreign policy goals.

Very respectfully,



William O. Studeman  
Admiral, U. S. Navy  
Acting

The CHAIRMAN. At this time I would introduce Secretary Gati for comments that she would like to make. As was mentioned earlier, we will try to all—all statements will be listed in entirety in the record. We would like to try to hold opening comments if possible to 10 minutes and allow the maximum amount of time for questions.

Ms. Gati, please proceed.

**STATEMENT OF HON. TOBY T. GATI, ASSISTANT SECRETARY OF STATE, BUREAU OF INTELLIGENCE AND RESEARCH, DEPARTMENT OF STATE**

Ms. GATI. Thank you, Chairman Combest, Congressman Dicks, members of the committee.

I am very pleased to appear before you. As you know, the intelligence community has devoted a great deal of attention to this question, and to the appropriate means of responding to requests for information within the strict needs to protect sources and methods. At the same time, policymakers have made effective use of intelligence in advancing U.S. foreign policy interests on a wide variety of issues. We usually think of peacekeeping, but I think we should keep in mind that the issue of humanitarian crises, weapons, proliferation, our opposition to ethnic cleansing and our support for sanctions regimes imposed by the Security Council also require the use of intelligence and we have used it to good effect.

Relevant to my testimony today is an understanding of the overall policy considerations that go into a discussion of why we supply information to the United Nations. We need to understand why we supply it and also how we supply it, the conditions under which we release it, to whom we release it, and how the U.N. uses it.

They go to the questions that I know are central to your consideration and they are certainly on the mind of every member of the intelligence community who is involved in intelligence sharing. We need to protect the information, the sources and the methods used to obtain information from people who should not see it, and we need to ensure that the information is used as it is supposed to be used, which is to advance U.S. foreign policy interests, not to harm them. That is why in my testimony I have outlined the steps we take to protect our intelligence assets and why the DCI guidance I believe gives clear priority to the need to protect sources and methods, and that is something we take very much into consideration.

The other three participants will address some of the specific questions. Ambassador Inderfurth will talk about some of the ways intelligence has been used at the U.N., Ambassador Montgomery will talk about the guidance and how the process works, and General Hughes will talk about the military input to the use of intelligence to support the military at the U.N.

I am going to focus on the Section 512 and first make several comments relating to the larger constitutional issues, and then go to some of the questions concerning the specifics of the legislation.

On the broader issue, I believe that the restrictions in Section 512 would intrude upon the power of the President and the statutory prerogatives of the DCI who is after all responsible for protecting sources and methods. They conflict with the President's sole au-



thority to negotiate and enter into executive agreements with the content and timing of his choosing and to determine what he will and will not say in diplomatic communications. They limit the President's ability to delegate his authority and infringe on two core congressional functions as chief executive and commander-in-chief relating to intelligence. That is intelligence collection and dissemination.

But, Mr. Chairman, I am not a lawyer. I am a very practical person who has spent many years in my background watching the U.N. and now providing the Secretary of State and senior foreign policymakers with information, with analysis that they need to implement policies that advance America's interests. So I would like to make a few comments about the present system and how it works.

Simply put, the intelligence community has developed a well-functioning system for sharing intelligence with the U.N. that protects sources and methods and provides for periodic review and oversight. In my view, Section 512 would wipe away a success story, a success story of cooperative effort which involves many parts of government. It would replace an incremental, highly flexible, mission-oriented set of guidelines that have served us well with a cumbersome protected negotiation, and that is what it would be if we entered into negotiation with the United Nations, between two very big bureaucracies.

The benefits of the current system in my view are timeliness, flexibility, the ability to provide what we want when we want, the ability to cut it off at a moment's notice and the ability to make decisions very quickly about what we think we should provide and to work it through a system with many, many safeguards. If we lose this flexibility, there are real implications, not just for the United Nations which is secondary, but for U.S. interests and at times for the protection of U.S. lives. Much of the intelligence goes into operations in which the U.S. military plays a key role. Some goes to relief and development efforts where U.S. citizens are also deeply involved.

A more cumbersome system would also be a more costly system. Two examples. During humanitarian emergencies, if information is not shared on a timely basis, the additional cost in terms of our relief efforts and the additional loss of life and property could be substantial, either because of delays in response or because relief organizations respond inappropriately or too late because of a lack of information.

A second example. In monitoring compliance with disarmament, for example, in Iraq or in sanctions agreements in the former Yugoslavia, the likelihood of violations going undetected may increase or the ability to respond to them may decrease, because of the time required. In my testimony, I outlined the current system for responding to requests which is based both on the presidential decision directive of PDD-25 and on the DCI's November 1994 guidance, and outline several foreign policy successes which we attribute to the provision of current information and to the current arrangements we have.

You have a short classified addendum to the testimony which has listed the—an overview of intelligence support to the U.N. This

was prepared by all segments of the intelligence community, the State Department, DIA, CIA and USUN contributed its view from New York. I would be pleased to discuss any of these in closed session.

In conclusion, let me make several points. The first is that neither the PDD nor the DCI guidance provide for wholesale release of sensitive information. On the contrary, there is an extremely elaborate system of clearances and coordination that ensures that information is protected.

Secondly, no system is perfect. We know that. But in the years this particular system has been functioning, there have been very few problems with leaks of any kind of information, all of them were treated very seriously, fully investigated, none were considered major, none exposed sources and methods, and none led to harm to American lives. Corrective actions were taken after each, and there has been no reoccurrence.

I would defer here to General Hughes and Ambassador Montgomery for the specifics on each case.

Third point. We provide the least sensitive information to satisfy each requirement. Not a wholesale dump of information, but the least sensitive and we provide it to a very small number of individuals. We don't supply it to people who occupy particular positions; we supply it to individuals.

Fourth, we decide the conditions under which we will and won't provide the information, and we will continue to do so. In sum, intelligence is an important component and support for our foreign policy and particularly for our foreign policy in the U.N. I very much welcome the opportunity to make the case for building on the system and for working with you to make that system better, rather than replacing it with a system that would be less effective and certainly much less flexible.

Thank you.

[The statement of Ms. Gati follows:]

STATEMENT BY  
ASSISTANT SECRETARY OF STATE  
FOR INTELLIGENCE AND RESEARCH

TOBY T. GATI

BEFORE THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE  
HEARING ON US INTELLIGENCE SUPPORT FOR THE UN  
JANUARY 19, 1995

Mr. Chairman and Members of the Committee, it is an honor to speak in this open executive session on US intelligence support for the United Nations. From discussions with US foreign policy makers, I am certain that our existing arrangement for information sharing with the UN advances our government's foreign policy objectives. From my work with colleagues in the intelligence community, I am sure that these arrangements do not compromise classified sources and methods, which are the sine quo non for intelligence support.

In this testimony I will provide for the committee an overall policy framework outlining why we provide information to the UN, under what conditions and restrictions the information is provided and to whom, and how the UN uses this information. I also want to outline the steps we take to protect our intelligence



assets and the likely effect implementation of section 512 of the National Security Revitalization Act will have on current intelligence sharing arrangements.

I realize that Section 512 of the National Security Revitalization Act is part of a broader debate on US support for multilateral programs, but here I confine myself to addressing this particular provision in the House Bill. Quite simply, Section 512, if passed, would be counterproductive and unconstitutional; therefore, the Administration opposes it. Section 512 would undermine the constructive steps we have taken to improve the efficiency and effectiveness of UN missions through the modest use of our intelligence assets. The current arrangement works - our national security has not been compromised by our intelligence sharing arrangement with the UN. Thus, Section 512 would wipe away a success story. Its implementation would add red tape to two large institutions that are now trying hard to streamline their operations. More paperwork does not necessarily make for better decisions, especially if those decisions need be made relatively quickly because lives—in both the military and those who might not be wearing a uniform, such as those involved in relief and economic development agencies—might be at stake. It would unnecessarily and publicly politicize at very high levels, involving the President and the Secretary General, decisions that should be handled discreetly and flexibly.

Our current system for responding to requests for intelligence in support of peacekeeping and humanitarian assistance from senior UN officials is in direct

support of Presidential Decision Directive (PDD) 25, which calls for timely intelligence support for multi-lateral peacekeeping and humanitarian missions. It is implemented in strict accordance with recent guidance from the Director of Central Intelligence. Requests for intelligence support on specific problems often come from our senior foreign policymakers as part of their broader diplomatic efforts to work with other governments and UN agencies in achieving US foreign policy goals.

The Joint Staff (J2) is usually the executive agent for US intelligence support to UN peacekeeping. Direct support is provided by the detail of a J2 representative to the USUN mission and a representative to the UN Situation Center. They monitor data transfers to the UN, provide feedback on the utility of the information provided, and frame and facilitate requests for additional information. In addition, the UN Support Desk in the National Military Joint Intelligence Center (NMJIC) supports the UN with sanitized intelligence on a daily and ad hoc basis. Finally, J2 supports the unified commands with sanitized intelligence to augment their support to UN operations in their areas of operation.

Our current information sharing arrangement with the UN has yielded several foreign policy successes. The most telling example of its importance is our multi-lateral, sustained effort to prevent a repeat of Iraq's 1991 invasion of Kuwait by sharing with Security Council members information on Iraqi troop build-ups. In

addition, we have shared intelligence on the status and dispersion of Baghdad's weapons of mass destruction stockpile, which has been crucial to Iraq's post war disarmament and continues to frustrate Saddam's efforts to rebuild his arsenal. Timely intelligence sharing has also helped save the lives of UNPROFOR troops by locating threatening artillery. On the humanitarian front, imagery-derived information has helped UN relief agencies determine the magnitude and direction of massive refugee flows within and from Rwanda.

While considering our intelligence sharing with UN agencies, there are several important points to remember. First, PDD 25 was not a blank check for releasing sensitive information that might weaken our national security. Indeed, the opposite is true. Each time we are asked to decide on whether to provide intelligence support for a particular UN mission, we first discuss with senior foreign policy officials whether or not this multilateral mission is one we wish to support in this way. The Department of State's Bureau of Intelligence and Research (INR) plays a central role in coordinating foreign policy objectives with intelligence capabilities. My bureau also works with other agencies in the Department of State and the Department of Defense to improve the UN's capability of managing all information--not just intelligence--that might pertain to UN missions; our government's support for the UN Department of Peacekeeping Operations' Situation Center is part of this plan. We also believe that enhancing UN access to openly available information should be a priority goal. This will make the UN less

dependent on information derived from classified sources.

Second, only after a mission is clearly defined does the intelligence community convene to formally discuss appropriate responses to these requests, taking into account the priority of the request and questions of sources and methods. As my colleagues from the intelligence and defense agencies can testify later in closed session, sometimes these missions directly involve US citizens and sometimes they are part of our broader regional security goals. Timely intelligence support for peacekeeping and humanitarian missions can also help in the planning of operations, thereby reducing their costs--a goal we all share. The deciding factor in each intelligence sharing decision--which is made case by case, not generically--is, however, always whether or not it serves our national interests.

Third, the Director of Central Intelligence's guidelines for sharing information derived from intelligence sources gives clear priority to protecting sensitive sources and methods. International agencies--not just the UN--present a special set of problems for handling sensitive information. Because of that reality we carefully review the nature of the request and the agency or operation involved; we also provide the least sensitive intelligence to satisfy each requirement, and we provide it to a limited number of individuals. The intelligence community takes account of the fact that once information is provided, it is often afforded minimal controls. In addition to these built-in checks and balances, we too can just say no.

and we have.

Fourth, while much of the focus of intelligence sharing is on UN peacekeeping--a role that was established under the Bush Administration to address crises in such places as Cambodia and Iraq--this is not the whole picture. Intelligence sharing within the UN mechanism is an important part of our broader diplomatic efforts to convince other governments, particularly those serving on the UN Security Council, that our positions--for example, about whether to renew, strengthen, or relieve sanctions regimes--are based on hard evidence. In some cases we work together to monitor the behavior of states that threaten international security to determine what multilateral responses might be required. These efforts have been critical, for example, in demonstrating Iraq's true record of compliance with UN resolutions. Similarly, our intelligence assets can sometimes shed light on human rights abuses, such as Iraq's ecocide of the Marsh Arabs' homeland. Also, in connection with war crimes in the former Yugoslavia, the United States has provided the UN's War Crimes Tribunal Prosecutor with unclassified documents, including first-hand accounts of atrocities.

Fifth, we always provide factual information that is as current and relevant as possible. This is key to maintaining our credibility with other governments and UN agencies, especially when that information is crucial to the initiation or continuation of multilateral efforts to isolate states threatening international peace and security.

We also use intelligence to help implement UN Security Council mandates that we have strongly supported. And we make sure that the intelligence provided is focused on the specific problem at hand. In closed session, Ambassador Inderfurth and Ambassador Montgomery can answer your questions regarding our information sharing arrangements.

Finally, and most important, Section 512 imposes unconstitutional restrictions on the functions of the Executive branch. It would forbid the release of intelligence to the UN, except pursuant to a written agreement between the United States and the UN. This agreement would have to meet various requirements set out in the statute and would not be effective until 30 days after submission to specified congressional committees. Since this provision would limit the President's disclosure of information during the course of diplomatic communications, it would intrude on his constitutional authority. Under the Constitution, the President is the voice of the United States in the field of international relations, and he must be able to decide on the information he may use or reveal in diplomatic exchanges. More specifically, when information bears on the national security, the President has the constitutional responsibility to determine what he will say, or not say, in diplomatic communications. Section 512 would conflict with that responsibility.

Mr. Chairman, for the record, I am submitting to your committee a classified addendum to this unclassified testimony that will detail policies and procedures for

information sharing and examples of where and how information sharing has worked.

Thank you for allowing me to present this testimony, which I trust has demonstrated the importance of sharing information with the UN and the great care we take in doing so. My colleagues and I will be happy to answer more specific questions in the closed session.



The CHAIRMAN. It is my understanding, Ambassador Inderfurth and Ambassador Montgomery, General Hughes, any opening comments you have would be in a closed session?

Thank you. I will recognize the gentleman from Washington for any questions he might have.

Mr. DICKS. Let me ask—

Mr. COLEMAN. Turn your microphone on.

Mr. DICKS. Mr. Ambassador, may I ask you a question at this point or do you want to handle the questions, Ms. Gati?

Would there be political problems with entering an agreement? I mean intelligence is normally something that is quite sensitive in terms of other countries and other countries having their own intelligence apparatus. Would this become a political problem in the U.N. about whether the Secretary General should enter into an agreement with the United States?

Ambassador Inderfurth. Congressman, we obviously have not done that before so we would have to see. My feeling is that it could become a political problem, because if we entered into a formal agreement with the Secretary General, that agreement would have to be in some fashion negotiated. The specifics of what that agreement would entail, as pointed out in the legislation, would get into areas that we might not want to have public.

There is the possibility that that agreement, as with most documents at the U.N., would need to be made public, because there are very few nonpublic documents at the U.N., that would also call into question other member state's contributions in this same area. And whether or not other member states would also then be required to have agreements with the Secretary General could again restrict the system in a way that may prove counter to our interests. So it could politicize this or at least certainly make it a lot more public than it is right now.

Mr. DICKS. What is your responsibility? Tell me what your responsibility is, sir.

Ambassador Inderfurth. My responsibility is one of the ambassadorial team in New York, certainly with Ambassador Albright as our permanent representative. We have four other ambassadors there. I have the special political affairs account, which is peacekeeping, disarmament and security affairs. So along with Ambassador Albright and Ambassador Ganeem, I work in the Security Council, work on peacekeeping.

Mr. DICKS. So you are involved—when intelligence is shared, have you been involved with this?

Ambassador Inderfurth. Absolutely.

Mr. DICKS. Now, is there any problem, I mean is there any reason that you can see why the current system, which has worked effectively, should be altered?

Ambassador Inderfurth. I think that we can always look to make the system better, but in the two years that I have been there, and this is—and you made a very excellent point in your opening remarks about building on what President Bush and the former DCI, Bob Gates, established in 1992. Building on that foundation, I think we have come a long way toward making a system for sharing of information and intelligence with the U.N. work, and as we have seen with the increase in peacekeeping activities and



with other activities serving U.S. interests in New York, including with Iraq, including with North Korea and their nuclear activities, there is usefulness to be served by providing information, provided that we are paying due attention to sources and methods, and I think Ambassador Montgomery and the DCI have worked out very strong arrangements within the community, and so I think that we have moved a long way in two years and we are making certain that that system works. It could be made better, but we certainly don't want—

Mr. DICKS. Well, what suggestions do you have? I mean what would you recommend?

Ambassador INDERFURTH. Well, I think one thing that we could recommend certainly is to make certain that as we provide information that we keep a very close account of how that information is used. I think we should also keep the committee informed, because when we are dealing with important, sensitive information, I think this committee—and I have testified before the Senate Intelligence Committee on this as well—I think the committees need to be kept informed of not only the procedures, but the type of information that is being shared. But a very important point I think here is that this information is serving our interests at the U.N., it is serving our policy interests, it is serving our leadership role, and it is value added to our intelligence community, because this information that we have within our government shared appropriately can be used to advance our interests beyond, beyond Washington and into New York and the U.N.

Mr. DICKS. Final question. Do you agree with my position that a case-by-case approach is better for the United States because we can decide when the U.N. makes a request of us whether it is in our interests rather than being committed by some kind of a written understanding to have to provide information if we didn't think it was in our interests?

Ambassador INDERFURTH. I certainly believe that a case-by-case approach is terribly important. I think what Secretary Gati said about flexibility is important. I think that it is—the determination to go in to share intelligence is best left in our hands, not in terms of a written agreement with the Secretary General.

Mr. DICKS. That implies that we almost have to give them information. I don't think that is in our best interests.

Ambassador INDERFURTH. Well, I agree with that. I think that again it is in our interests to maintain full control over the provision of intelligence so that we can use it or not use it as we see fit.

Mr. DICKS. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Dicks.

The gentleman from California, Mr. Lewis.

Mr. LEWIS. Mr. Chairman, I will wait until closed session.

The CHAIRMAN. The gentleman from Texas, Mr. Coleman.

Mr. COLEMAN. Thank you, Mr. Chairman. Could you give me some idea or an estimate of what percentage of intelligence information is provided to the U.N. as in furtherance really of peace-keeping operations? Do we have an idea of what that would be, what percentage of intelligence information that we provide is for that purpose?

Ms. GATI. Well, we provide different kinds of information. When Americans are involved, we tend to supply more information. As a percentage of our own intelligence, in terms of the volume, it is a very small percent, and it really is information we already have. We are gathering information, which is then passed to the United Nations as part of the pool of information we have. So in terms of our own information, I think it is very small.

We provide tactical information when we have troops on the ground. We provide more general information when we are supporting other peacekeeping operations. I think in terms of the percent of information the U.N. gets, though, is quite large, and we provide them with a lot of information. We are the premier intelligence source, and information source.

Here I would seek to distinguish between the two, because the United Nations doesn't have a system of intelligence, it doesn't need one if members will continue to supply it, and if they can work out some kind of system, but it doesn't have a very good source of information management either, and that is very important, because the more the U.N. gets of information, which is readily available, the less likely they will be to ask us for information through the intelligence community, and we will know that what we are providing is truly extra information that is required.

Mr. COLEMAN. If Section 512 were adopted, and the President executes an intelligence sharing agreement with the Secretary General, will other states follow suit and enter into their own intelligence sharing agreements? I mean do we think that is what would happen, or if so, what impact will that have on U.N. peacekeeping, humanitarian and peace enforcement missions?

Ms. GATI. Well, I think part of being a world leader is that when you lead, other countries tend to want to do what you have done, and if we think it is important to have an intelligence sharing agreement, I am sure other countries would look at it and decide based on their own national interests whether they need one. You might wind up with many different intelligence sharing agreements, which would mean it would be very difficult for the Secretary General to balance information it got from us versus information he got from other countries. I think it could also make other countries more aware of what they should be providing to the U.N. origin to think of intelligence not as a value, but as a political chip, and that would be unfortunate.

Mr. COLEMAN. I have viewed it, indeed the Secretary General may not, because it might show some form of partiality, even enter into such an agreement with the United States. I mean it is strange to me that a lot of people seem to think that we are the only ones that gather and disseminate intelligence information, because I don't happen to think that that is what the Secretary would generally necessarily do.

Ms. GATI. Well, I think the Secretary General needs information, and that we can help him get. He also needs value added information.

Mr. COLEMAN. But just a second. My concern is that why would he only negotiate an agreement with the United States?

Ms. GATI. I don't believe he would. I would be blunter than Ambassador Inderfurth. I think he would be required if we had an

agreement to negotiate with other countries. That is how the Security Council functions, how the U.N. functions. Can you imagine a situation where another country were to enter into an intelligence agreement with the U.N. and the United States, would that not then say we must have one, too? So I think if you turn it around you understand the pressures that would be on him to negotiate agreements.

Mr. COLEMAN. Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman.

Mr. Goss.

Mr. GOSS. Thank you, Mr. Chairman. I have some questions for the closed part of the session. At that time I will get somewhat specific, but at this point I have some general observations. It seems to me that in your present statement, Madam Secretary, you tell us that you have a bit of a trade-off going here between flexibility and security on the one hand—and security we are looking at—and the question of multilateral sharing or bilateral sharing. I think these are all legitimate areas of discussion between us. And I will address these more particularly with regard to specifics in the closed session.

In one point of your public testimony, which has been presented to us up here, I would like to ask, just taking a quote from page 4, it says INR plays a central role in coordinating foreign policy objectives with intelligence capabilities. I think that is a very important statement in light of where we are today and with the new intelligence commission assessing those kinds of capabilities.

And I wonder if you care to make a statement on your observation about how dependent the U.N. or anybody else might become and how accustomed to having us foot the burden, since peacekeeping is something we are all interested in here. How much of an obligation are we implying here, in trying to play the central role that you all have in your department with regard to the capabilities we now have?

Ms. GATI. My statement here was related to the central role in the intelligence area and making sure that the intelligence we were supplying was coordinated with what is needed by USUN, for example. That is a very important area, because we don't want to supply more than we are required to supply, but we do want to answer the specific questions.

On the broader issue of what is our obligation to the United Nations and how dependent would it be, I would assume that under an agreement with the Secretary General, we would have an obligation to the U.N. that now we don't have. We don't have any obligation. Our obligation is to American men and women who are involved in peacekeeping operations or humanitarian operations, or to furthering our own foreign policy interests. It is not an obligation to the U.N. system, per se. So I think a special agreement would create obligations where today there are none, so I think I would turn your question a little bit around.

How dependent is the U.N.? It is as dependent as it wants to be and we are willing to let it be. And again, the flexibility here is very good. It can distance itself, as we can, it can distance itself from our intelligence. If it doesn't want it, it doesn't ask for it, and

we can distance ourselves from the U.N. if we don't want to give it or if we want to just say no.

Mr. GOSS. From our perspective of our national security, would the U.N. be as useful an asset or less useful an asset if we simply did not participate in information sharing if we removed that capability?

Ms. GATI. I think if we did not supply information and intelligence to the United Nations after we voted on the Security Council for an action and we committed our resources, our money and, by the way, those of our allies of course, we would be doing a disservice to our own foreign policy. So I think if we define our objectives clearly in terms of foreign policy, we would want to supply the U.N. with the tools to implement that. In many, many cases, the intelligence we supply has made the U.N. more useful as an institution, but more important, more useful to American foreign policy.

Mr. GOSS. In that case then, what you are saying is that we should follow down this road; it is just a question of how we do it?

Ms. GATI. No.

Mr. GOSS. I don't wish to put words in your mouth.

Ms. GATI. I am saying we are on a road and if we want to keep walking we can, but without an agreement we can stop and we can get off. And with an agreement, we have to make a public statement that we are taking a detour. I don't see any reason to enter into an agreement just so we can say we don't want to do it any more. On the other hand, if we don't have an agreement, we can do just as much as we want.

Mr. GOSS. But on balance I think I heard you say that you felt that the arrangement we have now is beneficial and is a success story with regard to our national security as we redefine it involving peacekeeping and humanitarian missions and all of the other aspects that are discussed in your testimony.

Ms. GATI. Yes, I do. The reason I think it is a success story is we pick examples where we have successes and we don't have to provide anything, so we create success stories.

Mr. GOSS. In closed session I am going to ask about some of those successes.

Ms. GATI. I know that.

Mr. GOSS. Thank you very much, Madam Secretary.

The CHAIRMAN. Mr. Castle.

Mr. Castle. I have no questions at this time.

The CHAIRMAN. Mr. Laughlin.

Mr. LAUGHLIN. I have no questions, Mr. Chairman, thank you.

The CHAIRMAN. Mr. Shuster.

Mr. SHUSTER. No questions, Mr. Chairman. Thank you.

The CHAIRMAN. Mr. Young.

Mr. YOUNG. Mr. Chairman, thank you very much. I would like to first say that I have a lot of questions and we are not going to have time under my limited time, so would you mind if I submitted most of them in writing and ask you to respond as quickly as you can, because I think we might be going to a markup fairly soon.

Ms. GATI. Yes.

Mr. YOUNG. So if that is okay with you. But one question I did want to ask while we are here, there are almost 9,000 releases of intelligence information from the DIA to the United Nations during



1993 and 1994; 23,784 in 1993 and 6,128 in 1994. Two levels of releasable information have been approved. Level one must be retained under U.S. control. Number two, releasable to political and military elements of U.N. peacekeeping operations. What is the sanitation process and who approves the release in these two cases?

Ms. GATI. Ambassador Montgomery.

Ambassador MONTGOMERY. Congressman, might we defer that question to the closed session, because I would like to explain the process to you.

Mr. YOUNG. We can certainly do that.

Ambassador MONTGOMERY. I would be grateful to you if that meets with your approval.

Mr. YOUNG. Okay. To follow up, let me ask, is there an executive order that stipulates how, when and where U.N. intelligence would be given to peacekeeping forces. Same responses?

Ambassador MONTGOMERY. That is easy. There is no executive order. There are Presidential Decisions Directives, both by President Bush and President Clinton, and then following up that, of course, are the DCI's directives based upon his responsibility for the protection of sources and methods.

Mr. YOUNG. Should we have an executive order? Do we need one?

Ambassador MONTGOMERY. I do not perceive a need for one at this stage, no, Congressman.

Mr. YOUNG. Are you aware of any Central Intelligence sources have been compromised by passing intelligence information to U.N. sources?

Ambassador MONTGOMERY. Might we again defer that one to the closed session?

Mr. YOUNG. That will be okay. Just let me wait until the closed session then. I think that is probably going to be the answer to most. I didn't even have those marked classified on my list, but I do have some other ones marked classified.

The CHAIRMAN. Mr. Dornan.

Mr. DORNAN. For the same reasons, I will wait until closed session.

The CHAIRMAN. The committee may have other questions, but the gentleman from Florida, we will just compile all of us together rather than each of us independently submitting those and submit them on behalf of the committee. I would recognize the gentleman from Washington for a motion to close the hearing.

[The prepared questions follows:]

Mr. DICKS. Mr. Chairman, pursuant to Rule 3 of the Rules of Procedure, the Permanent Select Committee on Intelligence, and Rules 11 and 48 of the Rules of the House of Representatives, I move that the remainder of today's meeting be closed to the public because national security would be endangered if the matters to be considered were disclosed.

The CHAIRMAN. The motion requires a roll.

Ms. McNally. Mr. Combest.

The CHAIRMAN. Aye.

Ms. McNally. Mr. Dornan.

Mr. DORNAN. Aye.

Ms. McNally. Mr. Young.

Mr. YOUNG. Aye.  
Ms. McNally. Mr. Lewis.  
Mr. LEWIS. Aye.  
Ms. McNally. Mr. Goss.  
Mr. GOSS. Aye.  
Ms. McNally. Mr. Shuster.  
Mr. SHUSTER. Aye.  
Ms. McNally. Mr. Castle.  
Mr. CASTLE. Aye.  
Ms. McNally. Mr. Dicks.  
Mr. DICKS. Aye.  
Ms. McNally. Mr. Coleman.





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